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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 29

Application Number: 09/253,174

Filing Date: February 19, 1999

Appellant(s): TAYEBI, AMAD

Amad Tayebi
For Appellant

EXAMINER'S ANSWER

MAILED
FEB 11 2004
GROUP 1700

This is in response to the appeal brief filed June 5, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

However, in view of appellants' arguments in the Appeal Brief, the obviousness rejections of the claims 13, 15 and 19 under 35 U.S.C. 103(a) has been withdrawn.

(4) *Status of Amendments After Final*

The amendment after final rejection filed on July 25, 2002 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

As mentioned above, only the obviousness rejection of claims 13, 15 and 19 under 35 U.S.C. 103(a) have been withdrawn in view of appellants' arguments

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(7) Grouping of Claims

Appellant's brief includes a statement that claims 13, 15 and 19 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,299,833

MADOLE

04-1994

(10) Grounds of Rejection

As stated in the paragraphs hereinabove, the obviousness rejection of claims 13, 15 and 19 under 35 U.S.C. 103(a) has been withdrawn and the only rejection being maintained is that claims 13, 15 and 19 are anticipated by Madole under 35 U.S.C. 102(b).

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Madole (5,299,833).

Madole relates to a paper sheet having a first area provided with strip of repositionable pressure sensitive adhesive (PSA) and second area that is substantially free from

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adhesive as shown in figures 1-4. the adhesive strip covers the first area at least partially. As shown in figure-1, the web is cut into discrete sheets along line 14, the sheet is also provided with weakened tear line 16 or 18 for separating the first area from a second area (figs 2-4). Further, in col. 4, lines 30-39, Madole teaches that the adhesive can be coated along its entire back surface or at least so much such that the pad can be secured to a supporting surface.

(11) Response to Argument

At the outset, it should be noted that the obviousness rejection under 35 U.S.C. 103(a) of claims 13, 15 and 19 have been withdrawn as discussed above.

Appellant argues that Madole is distinguishable from the instant claimed invention in that "it does not comprise a first area which extends to the top edge of the sheet and which is completely and continuously coated with a non-destructive adhesive". This is not deemed to be persuasive because (1) the phrase "non-destructive adhesive" could not be located in the instant claims 13 and 15 as alleged by the applicant and (2) as previously mentioned to the appellant in the Office Action mailed on March 25, 2002, the Madole reference's first area is the area 20 (figure-1) which is located between the two lines of perforations 26 and 28 (see figure-2). Also, mentioned in said earlier Office Action was that, the sheet of Madole when removed from the stack by tearing along line 26 would result in a sheet as claimed wherein the first area would extend to the top edge 26 and is covered completely and continuously by the adhesive. Appellant should note that the claimed invention is directed to a sheet and not a stack, and as such, when

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Madole's sheet is removed from the stack, it teaches all the elements of the sheet as claimed. In addition, the open ended claim language could provide for the presence of additional elements such as non-adhesive area above the adhesive first area or the presence of a stack.

2-14-03
In response to appellant's argument that Madole's structure does not comprise a weakened tear line that extend from the top edge of the sheet to the bottom edge of the sheet, appellant is directed to figure-1 of Madole wherein it is shown that the sheet W is provided with a weakened tear line 16 or 18 that can be cut-lines or lines of perforation and which extends from the top edge of the sheet to the bottom edge when the sheet is separated along line 14. This allows the separation of the sheet W into two portions along the weakened tear line 16 or 18.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,


Nasser Ahmad

Primary Examiner


Art Unit 1772

N. Ahmad.
December 19, 2003

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